

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	18Cr317 (DLC)
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BRANDON GARDNER,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

A hearing on the violation of supervised release is scheduled for Friday, June 19, 2020 at 4:00 pm. In light of the ongoing COVID-19 pandemic, it is hereby

ORDERED that the June 19 proceeding will take place by Skype for Business videoconference, if the defendant consents and if the Skype for Business platform is reasonably available. To access the conference, paste the following link into your https://meet.lync.com/fedcourts-nysd/anthony_sampson/JFB2ZJ2E.

To use this link, you may need to download software to use Skype's videoconferencing features.¹ Participants are directed to test their videoconference setup in advance of the conference -- including their ability to access the link above. Defense counsel shall assist the defendant in testing his

¹ See Microsoft, Install Skype for Business (last visited Apr. 29, 2020), <https://support.office.com/en-us/article/install-skype-for-business-8a0d4da8-9d58-44f9-9759-5c8f340cb3fb>.

videoconference capability so that the defendant can participate by videoconference if that is feasible.

Users who do not have an Office 365 account may use the "Join as Guest" option. When you successfully access the link, you will be placed in a "virtual lobby" until the conference begins. Participants should also ensure that their webcam, microphone, and headset or speakers are all properly configured to work with Skype for Business. For further instructions concerning Skype for Business and general guidelines for participation in video and teleconferencing, visit <https://nysd.uscourts.gov/covid-19-coronavirus>.

If you intend to join the conference from an Apple device, you should ensure that you are running a version of Skype for Business that was published on or after April 28, 2020.² Users running earlier versions have encountered an issue in which Skype for Business does not receive any inputs from the computer's microphone, and they cannot be heard by other participants.

IT IS FURTHER ORDERED that members of the press, public, or counsel who are unable to successfully access Skype for

² See, e.g., Microsoft, Skype for Business on Mac (last visited May 5, 2020), <https://www.microsoft.com/en-us/download/details.aspx?id=54108>.

Business, may access the conference audio using the following credentials:

Call-in number: 917-933-2166
Conference ID: 310452947


IT IS FURTHER ORDERED that by Tuesday, **June 16, 2020**, defense counsel shall file a letter informing the Court whether the defendant consents and whether counsel and the defendant have successfully tested Skype for Business. If the defendant consents, but the defendant and counsel are unable to successfully test Skype for Business, the June 19 hearing will proceed as a telephone conference, as opposed to a Skype for Business videoconference. If the hearing proceeds as a telephone conference, the parties shall use the following dial-in credentials, which are also accessible to the press and public:

Dial-in: 888-363-4749
Access code: 4324948

IT IS FURTHER ORDERED that should the defendant consent to proceed by videoconference, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the defendant. If the defendant is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form at least 24 hours prior to the proceeding. In the event the defendant consents, but counsel is

unable to obtain or affix the defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

Dated: New York, New York
June 11, 2020



DENISE COTE
United States District Judge

April 10, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

_____,
Defendant.

-CR- () ()

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____ Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date: _____
Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date: _____
Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge
Date: